

**REMARKS**

Claims 1, 3-4, 6-18, 30-38, 40, 43-44, and 46 are pending in this application after this Amendment. Claims 19-29, 39, 41-42, and 45 have been canceled without prejudice or disclaimer to the subject matter contained therein. In light of the amendments and remarks contained herein, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections.

In the outstanding Official Action, the Examiner rejected claims 1-6, 9-13, 16-21, and 23-45 under 35 U.S.C. § 102(b) as being anticipated by Schmandt ("Audio Hallway: a Virtual Acoustic Environment for Browsing"); rejected claims 7-8 and 14-15 under 35 U.S.C. § 103(a) as being unpatentable over Schmandt in view of Evans ("Mapping an Auditory Space onto a Graphical User Interface"); and rejected claims 7-8 and 14-15 under 35 U.S.C. § 103(a) as being unpatentable over Schmandt in view of Goose ("A 3D Audio Only Interactive Web Browser: Using Spatialization to Convey Hypermedia Document Structure"). Applicants respectfully traverse these rejections.

By this Amendment, Applicants have amended the claims to more appropriately recite the present invention. It is respectfully submitted that these amendments are being made without conceding the propriety of the Examiner's rejection, but merely to timely advance prosecution of the present application.

**Claim Rejections - 35 U.S.C. § 102**

By this Amendment, Applicants have amended claim 1 to recite, *inter alia*, an information selection method selecting desired information from a plurality of information represented by sounds, comprising selecting a sound, wherein the step of selecting sound includes the step of selecting information associated with the sound, controlling volume in association with the position of each sound, wherein the step of selecting information is a single operation of selecting a sound of the maximum volume, and, wherein the sound of the maximum volume is selected when the user enters a sound selection indication. Applicants respectfully submit that Schmandt fails to teach or suggest the present invention as set forth in claim 1, as amended.

It is respectfully submitted that the disclosure of Schmandt is directed to an audio hallway wherein a user browses collections of related audio files. The user travels up and down the hallway by head motion passing rooms alternately on the left and right sides. Emanating from each room is an auditory collage of "graded audio" which acoustically indicates the contents of the room. In other words, a user cannot browse collections of related audio files unless the user "walks" down the hallway. If the user is not moving through the audio hallway, the user can only browse information that is to be represented by a faraway sound that is not yet audible to the user.

Schmandt additionally teaches that when the user tilts his or her head in the direction of a doorway while passing near it, entry is gained into the room. (Rooms, first paragraph). In other words, the user must intentionally move toward the room he wants to enter or move in the direction of the sound he wants to listen to. As the rooms are provided on both the left and right sides of the hallway, the user must select either the left or right side in order to select the appropriate room.

In contrast, the present invention as set forth in claim 1 provides for time controlling a position of each sound independently. As such, there is no need for the user to "traverse" or "walk" through the sounds in order to browse the files. In accordance with the present invention as set forth in claim 1, the position of each sound is time controlled independently. Further, the volume is controlled in association with the position of each sound wherein selecting the information is a single operation of selecting a sound of the maximum volume. There is no need for the user to traverse the hallway and to select either the left side or the right side of the hallway to indicate a room selection. Only a single operation is performed in order to select the sound where the sound of the maximum volume is the sound that is selected. As Schmandt fails to teach or suggest selecting information being a single operation of selecting a sound of the maximum volume, it is respectfully submitted that Schmandt fails to anticipate the

present invention as set forth in claim 1, as amended. As such, it is respectfully requested that the outstanding rejection be withdrawn.

It is respectfully submitted that claims 3-4, 6-8, 30, and 33 are allowable for the reasons set forth above with regard to claim 1 at least based upon their dependency on claim 1. It is further respectfully submitted that claims 9-10, 40, and 43 contain elements similar to those discussed above with regard to claim 1, and thus these claims, together with claims dependent thereon, are not anticipated by Schmandt for the reasons set forth above with regard to claim 1.

By this Amendment, Applicants have amended claim 11 to recite, *inter alia*, an information selection apparatus, based on a plurality of sounds, allowing selection of a desired signal from signals associated with respect to said plurality of sounds, the information selection apparatus comprising sound presentation means wherein the sound presentation means outputs the plurality of sounds circularly in accordance with an elapse in time and control means performing an operation set in correspondence with the operation and indication signal when the signal selected by the selecting means is the operation indication signal.

As can be seen in Figs. 3 and 4 of Schmandt, the collections of related audio files are presented to the user linearly. As such, there is no teaching or suggestion in Schmandt that is directed to

sound presentation means outputting the plurality of sounds circularly in accordance with an elapse in time.

In addition to the above, as noted above with regard to claim 1, the user must first traverse the audio hallway and then tilt his head in the direction of a doorway while passing near it. Applicants respectfully submit that this teaching is insufficient to teach or suggest control means performing an operation set in correspondence with the operation indication signal when the signal selected by the selecting means is the operation indication signal. For the reasons set forth above, it is respectfully submitted that claim 11 is not anticipated by Schmandt.

It is respectfully submitted that claims 12-15 and 36 are allowable for the reasons set forth above with regard to claim 11 at least based upon their dependency on allowable claim 11. It is further respectfully submitted that claims 16, 18, and 44 contain elements similar to those discussed above with regard to claim 11, and thus these claims, together with claims dependent thereon, are not anticipated by Schmandt for the reasons set forth above with regard to claim 11.

#### Conclusion

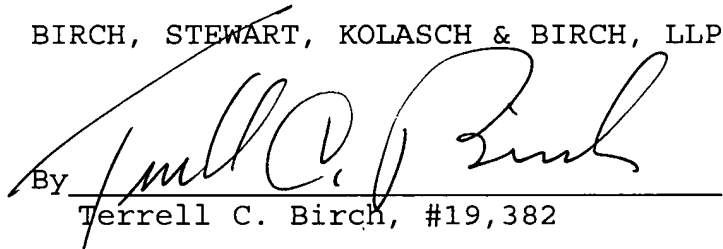
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinet (Reg. No. 52,327) at the telephone number of the undersigned below, to conduct an interview


in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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